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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (NC)

**DECLARATION OF SARA E. JENKINS
IN SUPPORT OF CISCO'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S
OPPOSITION TO ARISTA'S
CORRECTED MOTION TO STRIKE
EXPERT OPINIONS AND TESTIMONY
OF DR. KEVIN C. ALMEROTH**

DECLARATION OF SARA E. JENKINS

I, Sara E. Jenkins, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. (“Cisco”). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Cisco’s Administrative Motion to File Under Seal Confidential information filed in connection with its Opposition to Arista’s Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth. I make this declaration in accordance with Civil Local Rule 79-5(d)(1)(A).

3. As an opposition to a motion to strike expert testimony, Cisco’s motion is non-dispositive. In this context, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

4. Cisco does not claim confidentiality in the documents below, but files this declaration in order to provide Arista with the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) to support the sealing of these documents as they contain, or refer to, information that Arista designated as confidential under the protective order.

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Cisco's Opposition to Arista's Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth.	Highlighted Portions	Arista
Exhibit 1 to the Declaration of John M. Neukom in Support of Cisco's Opposition to Arista's Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth. ("Neukom Declaration")	Entire	Arista
Exhibit 2 to the Neukom Declaration	Entire	Arista
Exhibit 3 to the Neukom Declaration	Entire	Arista

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed in Redwood Shores, California, on August 19, 2016.

/s/ Sara E. Jenkins

Sara E. Jenkins

SIGNATURE ATTESTATION

Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of registered ECF User Sara E. Jenkins.

Dated: August 19, 2016

/s/ John M. Neukom
John M. Neukom